

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEROLD JAMES,)	CASE NO. 1:07CV2457
)	
Petitioner,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>MEMORANDUM OF OPINION</u>
MICHAEL SHEETS, Warden,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.)	<u>WRIT OF HABEAS CORPUS</u>

Petitioner *pro se* Jerold James filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging one ground for relief which challenges the constitutional sufficiency of his total prison term of 24 years for three counts of felonious assault on his two-year-old victim.

On November 6, 2007, the case was referred to Magistrate Judge Patricia A. Hemann for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 9). Due to the retirement of Magistrate Judge Hemann and pursuant to General Order No. 2008-06, the Magistrate Judge assignment for the case at bar was reassigned from Magistrate Judge Hemann to Magistrate Judge Greg White pursuant to the standard protocol.

On September 10, 2008, Magistrate Judge White submitted a Report and Recommendation (Doc. 16) recommending that the petition be dismissed as time-barred under the Antiterrorism and Effective Death Penalty Act ("AEDPA"), 28 U.S.C. § 2244(d).

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Jerold James' Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

October 7, 2008
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge